

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANCO BARTZIK RUBIO,

Petitioner,

-v-

SANDRA LETICIA MORALES LOPEZ,

Respondent.

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23-CV-1423 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On February 21, 2023, Petitioner filed a petition seeking return of a child, A.B.M., pursuant to the Convention on the Civil Aspects of International Child Abduction, done at the Hague on October 25, 1980 (the “Hague Convention”). *See* ECF No. 1. On February 22, 2023, Petitioner filed an emergency motion for a temporary restraining order. *See* ECF No. 3. On that same day, Judge Engelmayer, acting in his role as the Part I judge, issued an order setting a hearing date for February 28, 2023 before the undersigned and ordering that: (1) Respondent, or any person acting in concert or participation with Respondent, is prohibited from removing A.B.M. from the jurisdiction of the Southern District of New York; and (2) Respondent shall “immediately” deposit with the Clerk of Court any and all passports or other travel documents in the name of A.B.M. *See* ECF No. 5.

On the morning of February 28, 2023, the Court received a letter from Respondent, proceeding *pro se*, stating that she was unable to retain legal counsel or show cause before this Court on short notice, and arguing that the petition should be denied because Respondent and A.B.M. already reside in Mexico City and Petitioner’s relief has already been granted. *See* ECF No. 7. Respondent requests that “[i]f there is need to serve” court papers on her “in the future” that the Court “use” either an address on the letter or her “email address.” *Id.*

On February 28, 2023, the Court held the scheduled hearing on the record, at which Respondent did not appear.

In light of the foregoing, the Court hereby ORDERS as follows:

- The parties shall appear before the Court on **March 2, 2023, at 2:15 p.m. in Courtroom 1105** of the Thurgood Marshall United States Courthouse, 40 Centre Street, New York NY. Respondent may appear through counsel or without counsel. If Respondent is unable to appear in person, is capable of participating remotely (by telephone or video), and wishes to do so, she should confer with Petitioner’s counsel and immediately file a

letter-motion seeking leave to do so, stating whether she is able to appear by video and/or phone and indicating how the Court could contact her by either means. **Failure to appear at the March 2, 2023 conference could result in Respondent being deemed to be in default and judgment being entered in Petitioner's favor.**

- Judge Engelmayer's Order dated February 22, 2023 remains in effect. Accordingly, if A.B.M. is currently in the jurisdiction of the Southern District of New York, Respondent, or any person acting in concert or participation with Respondent, is prohibited from removing A.B.M. from this jurisdiction. Per the Order, Respondent is required to "immediately" deposit with the Clerk of Court any and all passports or other travel documents in the name of A.B.M. For avoidance of doubt, Respondent shall comply with that requirement no later than **March 3, 2023**.
- In light of Respondent's request to be served electronically, Petitioner is GRANTED leave to serve any and all papers on Respondent by email as long as Respondent proceeds *pro se*. **Petitioner shall serve a copy of this Order and Petitioner's papers, see ECF Nos. 1, 3, on Respondent via email today, and post proof of such service by tomorrow.**
- All communications with the Court by a *pro se* party — which currently includes Respondent — may be submitted as PDFs by email to Temporary_Pro_Se_Filing@nysd.uscourts.gov, or mailed/delivered to the Daniel Patrick Moynihan Courthouse, Pro Se Intake Unit, 500 Pearl St., Room 205, New York, NY 10007. No documents or court filings should be sent directly to Chambers. Copies of correspondence between the parties shall not be sent to the Court.

SO ORDERED.

Dated: February 28, 2023
New York, New York



JESSE M. FURMAN
United States District Judge